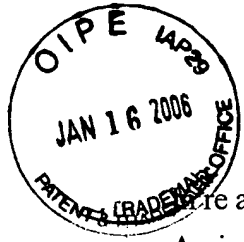


Date: January 16, 2006



TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION

The application of : Aronson et al.
 Assignee : Finisar Corporation
 Serial No. : 10/629,725
 For : Integrated Circuit with Dual Eye
 Openers
 Filed : July 28, 2003
 Examiner : Emmanuel Bayard
 Group Art Unit : 2638

ASSISTANT COMMISSIONER OF PATENTS
Washington, D.C. 20231

Dear Sir:

Assignee, through its attorney of record, represents that it is the owner of the entire interest in the above-identified patent application. Particularly, the above-identified application, as well as United States Patent Application Serial No. 10/629,302, which was filed on July 28, 2003 (the "'302 Application"), are both divisions of US Patent Application Ser. No. 10/420,027 (the "'027 Application") which is owned by the Assignee by virtue of the assignment recorded in the United States Patent and Trademark Office at Reel 014504, Frames 0930 through 0938 (a copy of which is attached hereto as Exhibit A).

In light of the foregoing, Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of any patent issuing from '302 Application, as presently shortened by any terminal disclaimer. Assignee agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to it and the '302 Application (and any patent issuing therefrom) are commonly owned. The foregoing agreement by the Assignee runs with any patent granted on the above-identified application and is binding upon the grantor, its successors or assigns.

Assignee does not, however, disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent issuing from the '302 Application in the event that such patent issuing from the '302 Application later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a); has all claims canceled by a reexamination certificate; or, is reissued or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Assignee hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 16TH day of January, 2006.

Respectfully submitted,

WORKMAN NYDEGGER

By: 

PETER F. MALEK JR.

Registration No. 45,576

Attorney of Record

Customer No.: 022913

Telephone No. 801-533-9800



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APRIL 15, 2004

PTAS



102556782A

ERIC L. MASCHOFF
1000 EAGLE GATE TOWER
60 E. SOUTH TEMPLE
SALT LAKE CITY, UT 84111

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RECORDATION DATE: 09/16/2003

REEL/FRAME: 014504/0930
NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ARONSON, LEWIS B.

DOC DATE: 08/07/2003

ASSIGNOR:
HOFMEISTER, RUDY

DOC DATE: 07/21/2003

ASSIGNOR:
MADDEN, CHRISTOPHER

DOC DATE: 09/08/2003

ASSIGNOR:
FARLEY, MARK

DOC DATE: 08/07/2003

ASSIGNOR:
CASE, DAN

DOC DATE: 08/07/2003

ASSIGNOR:
LENOSKY, TOM

DOC DATE: 08/07/2003

DOCKETED
Action
Response Due
By PH On 4/21/04
Atty File # 15436, 247.2, 1, 1

014504/0930 PAGE 2

ASSIGNEE:

FINISAR CORPORATION
1308 MOFFETT PARK DRIVE
SUNNYVALE, CALIFORNIA 94089

SERIAL NUMBER: 10420027
PATENT NUMBER:

FILING DATE: 04/17/2003
ISSUE DATE:

SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



09-24-2003
102556782

File No.: 15436.247.2.1.1

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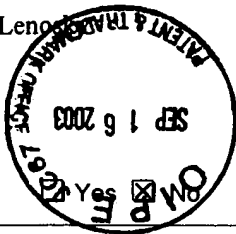
attached original documents or copy thereof.

1. Name of conveying party(ies):

Lewis B. Aronson
Rudy Hofmeister
Christopher Madden
Mark Farley
Dan Case

Tom Lenon

9-16-03



Additional names(s) of conveying party(ies)

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

July 21, 2003; August 7, 2003

Execution Date: September 8, 2003

2. Name and address of receiving party(ies):

Name: Finisar Corporation

Internal Address:

Street Address: 1308 Moffett Park Drive

City: Sunnyvale State: CA ZIP: 94089

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

10/424,364 420,027

09/18/2003 GGEBREGI 00000057 10420027

01 FC:8021 40.00 OP

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Eric L. Maschoff

Internal Address:

Street Address: 1000 Eagle Gate Tower

60 East South Temple

City: Salt Lake City State: UT ZIP: 84111

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

23-3178

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

R. Burns Israelsen

R. Burns Israelsen

Sept. 16, 2003

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document:

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WHEN RECORDED RETURN TO:

Workman, Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

PATENT APPLICATION

Docket No: 15436.247.2.1.1

Express Mail Label No. EV 322100131 US

ASSIGNMENT

We,

- (1) Name: Lewis B. Aronson
Address: 794 Manor Way
Los Altos, California 94042 USA
Citizenship: United States
- (2) Name: Rudy Hofmeister
Address: 544 East Evelyn Avenue
Sunnyvale, California 94086 USA
Citizenship: United States
- (3) Name: Christopher Madden
Address: 4440 El Camino Real
Los Altos, CA 94022
Citizenship: United States
- (4) Name: Mark Farley
Address: 15 Old Coach Road
Napa, California 95448 USA
Citizenship: United States
- (5) Name: Dan Case
Address: 1407 Casablanca Circle
Gilroy, California 95020 USA
Citizenship: United States
- (6) Name: Tom Lenosky
Address: 2000 Rock Street #6
Mountain View, California 94043
Citizenship: United States

respectively, have invented a method and apparatus entitled TRANSCEIVER MODULE AND INTEGRATED CIRUCIT WITH DUAL EYE OPENERS hereinafter called the "invention."

Preferred embodiments of said invention are disclosed in a United States patent application executed concurrently herewith by us and now identified as File No. 15436.247.2.1.1 of the law firm of Workman, Nydegger & Seeley, 1000 Eagle Gate Tower, 60 East South Temple, Salt Lake City, Utah 84111, and filed in the United States Patent and Trademark Office as Serial No. 10/420,027 on April 17, 2003.

The Assignee, Finisar Corporation, a corporation of the State of Delaware, having a principal place of business at 1308 Moffett Park Drive, Sunnyvale, California 95089, desires to secure the entire right, title and interest in said invention.

In consideration of One Dollar (\$1.00) and other good and valuable consideration paid to us by the Assignee, the receipt and sufficiency of which we hereby acknowledge, WE HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title and interest in said invention in the above-identified United States patent application and in all divisions, continuations and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications filed in countries foreign to the United States, and in all patents issuing thereon in the United States and foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such applications.

We hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behoof of the said Assignee, its successors, assigns and legal representatives.

We hereby agree, without further consideration and without expense to us, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of us to make

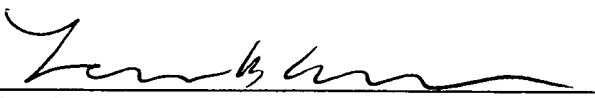
this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of our ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon our heirs and legal representatives.

DATED this 7 day of August, 2003.




Lewis B. Aronson

DATED this 21 day of July, 2003.



Rudy Hofmeister

DATED this 8 day of September, 2003.

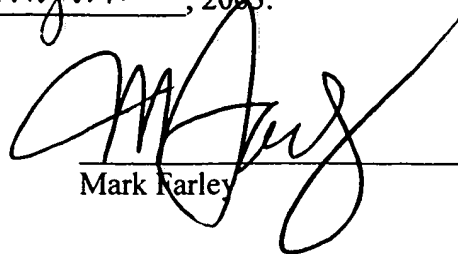


Christopher Madden

Mailing Address:


4440 El Camino Real
Los Altos, CA 94022

DATED this 7 day of August, 2003.

A large, stylized handwritten signature in black ink, appearing to read 'Mark Farley', is written over a horizontal line.

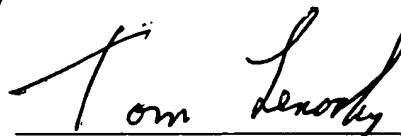
Mark Farley

DATED this 7 day of August, 2003.



Dan Case

DATED this 7 day of August, 2003.



Tom Lenosky

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